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Crl.O.P.No.6802 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offences punishable under Sections 4(1)(aaa) r/w 4(1-A), of Tamil Nadu Prohibition Act, in Crime No.57 of 2023, seek anticipatory bail.

2. The case of the prosecution is that when the respondent and his team were on their routine patrol duty, they found that accused were in illegal possession of 110 litres of Pondy liquor. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to cooperate with the respondent police for the investigation and also prepared to abide by any stringent conditions that may be imposed by this Court. Thereby, he prays for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner (A3) along with other accused was found to be in illegal possession of 110 litres of Pondy liquor. He further submitted that 3 previous cases are pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that out of the previous cases against the petitioner, one case was disposed and other two cases were registered during 2012 and 2020 and other than these cases, the petitioner does not have any other case. He further submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.25,000/- to any welfare scheme run by the Government. Hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of "The Dean/Medical Officer, Government District Head Quarters Hospital, Nagapattinam District", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to the credit of "The Dean/Medical Officer, Government District Head Quarters Hospital, Nagapattinam District", this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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10. Accordingly, petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** directly to "**The Dean/Medical Officer, Government District Head Quarters Hospital, Nagapattinam District**" without prejudice to his rights and contentions before the trial Court and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Nagapattinam**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** directly to "**The Dean/Medical Officer, Government District Head Quarters Hospital, Nagapattinam**



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District", so as to enable the Dean/Medical Officer to use the aforesaid amount for the purpose of treating the alcohol influenced patients.;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police everyday at 10.30a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

[g] if the accused thereafter absconds, a fresh



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FIR can be registered under Section 229-A IPC;

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